

## HAYES TRIAL ENDS; DECISION RESERVED

Commissioner's Story Twice  
Denied, Captain Day Siding  
with Deposed Inspector.

### PROSECUTION SEEMS WEAK

Several Witnesses Give Testimony Apparently Favorable to Defendant, Among Them "Honest Dan" Costigan.

The trial of Cornelius G. Hayes, who was reduced from the rank of inspector and suspended by Commissioner Waldo because the latter declared Hayes made a false statement when he said the Police Commissioner had ordered him not to molest or interfere with disorderly houses in the Tenderloin, was completed yesterday afternoon. Decision was reserved.

Douglas I. McKay, the first deputy police commissioner, who presided at the trial, although a witness under subpoena, did not testify regarding the incident of May 20, when, according to Hayes, Mr. McKay was present in Commissioner Waldo's office when the latter told him not to molest or interfere with disorderly houses. The first deputy said at the close of the trial that his mind was a blank regarding the transaction which was made a point of issue by Hayes. He hopes to render a decision by Tuesday. The Commissioner called every inspector in the department except two to testify in answer to the question, "Did you receive instructions from Commissioner Waldo not to molest or interfere with disorderly houses?"

During the day was the story told by Commissioner Waldo under oath contradicted. Once, when Captain William E. Day, of the West 47th street station, swore that Commissioner Waldo sent for him after he had questioned Hayes regarding the raids on the Robespierre and two other apartment houses, and again when Lieutenant Costigan, who bears the sobriquet of "Honest Dan," and was to be the prosecution's trump card, testified that he did not know it was his business to "check up" inspectors.

### Costigan Got Orders from Waldo.

Commissioner Waldo said the business of Costigan and other "strong arm" squad heads was to check up inspectors, and that they had power to enter disorderly houses. Costigan swore yesterday that he never entered a disorderly house unless instructed to do so by the Police Commissioner.

Commissioner Waldo said when he heard Hayes' explanation of the raids on the Robespierre and the other apartment houses he was satisfied with it, and dropped the matter there. Captain Day swore yesterday that Commissioner Waldo had him make an investigation and bring him the letters of the Catholic clergymen, Fathers Daly and Delany, who complained about the disorderly houses, and in whose complaints Hayes said he made the raids.

Further assaults were made on the prosecution's case by Inspectors Titus, Daly, Lahey and Cahillane, who were called as witnesses for the prosecution. Each of them swore that the report of the conversation between Hayes and Waldo, as reported by the Police Department's stenographer, was inaccurate and incomplete.

Then, too, the defense's case was strengthened by the testimony of several others, notably the three sergeants in command of the plainclothes squads under Hayes—Ray, Wall and Hickey. All three swore that Hayes had given them instructions not to enter disorderly houses, and not to molest or interfere with the Tenderloin houses of ill fame unless there were outward conditions, such as soliciting from windows or in front of the house. Similar instructions, they testified, were given to the plainclothes men themselves by Inspector Hayes personally.

Thomas D. Thacher, Hayes' counsel, made much of the fact that some one had torn out and destroyed general order No. 52 from one of the Police Department's books. This bit of evidence, which the prosecution at first refused to produce when Thacher demanded it, or-

dered inspectors not to take any action on disorderly house complaints except on instructions from the Commissioner.

Hayes, smiling and confident, and alert as on the two previous days he sat in the witness chair, was recalled to the stand by Terence Farley, the Assistant Corporation Counsel in charge of the prosecution, when the trial was resumed yesterday morning.

For half an hour the examination of the defendant proceeded without incident. Then Mr. Farley asked Hayes why it was when Commissioner Waldo asked him in the presence of other inspectors if he had given him orders not to raid disorderly houses he inquired if Mr. Waldo wanted him to reply in the hearing of the others.

Hayes half rose from his chair as he shot back the answer.

### Farley Shifts Questioning.

Mr. Farley, flushing at the thought of having given Hayes this opening, turned his fire in another direction at once. The new line of questions had to do with what he understood Commissioner Waldo had instructed him to do in respect to disorderly houses. After several questions, Mr. Farley, adopting his suavest tones, asked:

"You are willing to concede that Commissioner Waldo did not tell you not to obtain evidence against disorderly houses?"

"Certainly not," retorted Hayes, glaring at his interrogator.

Then Mr. Farley returned to the conversation between Hayes and Waldo on August 16, when he was reduced and suspended. Only once did Hayes agree with the stenographic report of that conversation. At all other times he testified: "I did not say that," or "That is not just right," or "That record is wrong."

One important omission was brought out when Mr. Thacher asked his client: "Was anything said that does not appear in that report?"

"Yes," answered Captain Hayes. "I referred to Inspector Daly, who had been a captain in that precinct for years (the West 47th street), to show that no real reform could be accomplished by arresting keepers of disorderly houses. There were many of them in the business who had been there for years."

Captain Day of the West 47th street station was then called by the defense. He was asked by Mr. Thacher if he had a conversation with Commissioner Waldo after the Robespierre raid. He said he had, a few days later.

"What occurred at that interview?" asked Mr. Thacher.

Mr. Farley objected on the ground that it was immaterial.

"Do you mean to say that this witness is not permitted to give evidence that contradicts Commissioner Waldo?" shouted Mr. Thacher. "I want to show by this witness that the Commissioner's statement that he took no action after he had heard Inspector Hayes' explanation of the raids is false."

Waldo's deputy permitted the question and Captain Day declared the Commissioner questioned him in detail about the raids, saying he had heard that graft was behind them. Day said he told the Commissioner that that was not true, but that the complaints of priests had caused them. The Commissioner asked Day to bring the letters of the priests to his office, which he did.

### Hotel Man on Stand.

After the sergeants who had worked under Hayes also testified in favor of their former inspector David E. Walton, manager of the St. Francis Hotel, in West 47th street, identified a letter he sent to the Police Department last May complaining of a disorderly house that was running wide open across the street from him.

It was this letter that Captain Hayes said Deputy McKay asked him to act on, and when he refused, saying he had his own orders on disorderly houses from the Commissioner, the two of them went to see Waldo. Mr. Waldo, according to the testimony, told Captain Hayes not to interfere with the house, and instructed him to inform Mr. Walton that if he wanted the house closed to go to court and prove it was disorderly.

Mr. Walton said this message had been delivered to him by the deposed inspector. Lieutenant Costigan, though called by the prosecution in rebuttal, proved to be one of the most valuable witnesses for the defense.

"Unless you received complaints from the Police Commissioner you would not consider it your duty to make arrests in disorderly houses?" was one question Mr. Thacher asked.

Costigan replied that that was true.

"Did you have a roving commission in order to check up inspectors on disorderly houses?"

"I did not," answered Costigan. "I made no raids except where I got instructions from the Police Commissioner."

After the four inspectors who were present when Hayes defied Waldo had been called and asked if they had received instructions not to raid disorderly houses and replied in the negative Mr. Thacher had them point out the inaccuracies and incompleteness of the stenographic report of that momentous conversation.

Then inspectors from the wilds of Brooklyn, The Bronx, Queens and Staten Island were called and asked the same question by the prosecution.

Mr. Thacher valiantly objected to this line of testimony, saying that it did not matter what instructions they had received, as it did not contradict the testimony of Hayes, whose command differed from theirs in that it contained the Tenderloin of the Western metropolises.

When Inspector John D. Herlihy, of Staten Island, had testified he never had received any special instructions about disorderly houses from Commissioner Waldo, Mr. Thacher, with mock anger, shouted:

"Inspector, are there many dens of vice in Staten Island?"

And the police commander of that rural community, smiling, told him there was none and never had been.

Then both sides rested.

### "SHAKE-UP" AT THE TOMBS

Correction Department Plans Many Changes Following Frosbrey's Escape.

Patrick C. Whitney, Commissioner of Correction, announced yesterday afternoon that additional charges would be preferred against Keeper Nicholas J. Jones, assigned to the Tombs as night warden, on account of the escape of Reynolds Frosbrey.

Jones was tried on Tuesday for failing to take Keeper Houlihan off night watch after the escape of a prisoner last July. The new charges will be for failing to relieve Houlihan on the night Frosbrey escaped, after Jones had paid a visit three times during the night to Houlihan.

It was said at the Correction Department that in a few days there would be a general "shake-up" in the Tombs prison.

## WILL ASK FOR GIBSON'S ARREST

Continued from first page.

assistant, and by Dr. Otto H. Schultze, Coroner's physician of New York, representing the authorities of this state.

"We found the body in a remarkably good state of preservation," said Dr. Kins, shortly before the examination was completed. "This was due not so much to the embalming, I think, as to the nature of the soil in which it was buried. We found no external evidences of violence, but we did find very suspicious circumstances in the organs."

Although at that time he refused to say just what these suspicious circumstances were, he intimated broadly that they were sufficient to warrant, in the minds of the investigators, action looking to an arrest. The organs, he said, had been placed in the hands of Dr. Schultze, who would subject them to a searching microscopic and chemical examination, in order to corroborate the preliminary findings.

### Indication of Strangulation.

While he was talking, Dr. Fritz Fischerbauer, the Austrian Vice-Consul, came out of the autopsy room and engaged in conversation with Dr. M. R. Breitenfeldt, physician to the Austro-Hungarian Consulate. Dr. Breitenfeldt described to Dr. Fischerbauer, indicating with his fingers, the abnormal position in which the woman's larynx was found, also saying that her lungs were found flat, seeming to indicate that she had died from strangulation instead of drowning, as had been supposed all along.

This information spurred Dr. Fischerbauer to immediate action, and with Sheriff DeGraw he set off at a run for a telephone and got into communication with his associates in New York. DeGraw himself continued to New York and went into consultation with the heads of the Pinkerton agency here. He then went to the Liberty Tower, at No. 55 Liberty street, where Gibson has his offices, and held a second consultation there with Alphonse Rinck, the Pinkerton detective, who was assigned to keep Gibson under constant surveillance.

Gibson spent an uneasy day in his office. The effects of the strain under which he has been laboring were beginning to show on him strongly. He refused to make any statement, but when he was told that he was likely to be arrested as a result of the autopsy he showed a flash of the nonchalance he has exhibited all along.

### Confused Over His Change.

Shortly afterward he came out of his office and went to a cigar stand in the lobby of the building and asked for fifteen two-cent stamps, laying down a half dollar piece in payment. When the stamps were handed out he fumbled in his pocket for more money.

"Oh, you want more money," he said, laying down a ten-cent piece.

The cigar man smiled and shoved back the dime along with the twenty-cent change that was due him. He poked up the money in a confused way and went back to his office.

He did not remain at ease there, however. An hour later he appeared again, and went to the bar in the building, ordering a glass of buttermilk. As he was standing drinking it surrounded by reporters he engaged them in conversation with an affectation of being at ease with the world. He had not noticed a heavy set, gray-haired man with stick-to-itive ways standing at his elbow, drinking a glass of beer.

"I should like to get the 438 train for home," Gibson said. "I understand there is a lot of Pinkerton detectives watching me."

"Yes," broke in the heavy set, gray-haired man, who was Alphonse Rinck, "I am one of them, and I am willing to shake hands with you, too."

"I don't care if I do," said Gibson, turning and extending his hand.

"I would like to have a little confidential chat with you," said Rinck with an engaging smile. "In fact, I may have to ask you to take a little trip with me before long."

"All right," replied Gibson, almost jovially. "Come up to my office with me and let's talk it all over."

### An Hour with Detective.

He turned on the reporters and swept them back, declaring that none of them could go up with him. With the help of the elevator starter and the man in the car he managed to get into an elevator alone with Rinck, and the two ascended to his office. It was over an hour before either of them appeared again.

First came Rinck alone, to find Sheriff DeGraw waiting excitedly in the hallway for him. They at once went into secret conference, as a result of which Rinck's vigilance was visibly increased. In a few moments Gibson appeared. He seemed dazed at sight of the crowd of photographers, reporters and curious persons that confronted him. He made a rush for one of the exits of the building, then changed his mind, making a circle toward another, by which he gained the street. Rinck had rushed out by the other door and picked up Gibson in Cortlandt street, sticking close to him as he went to the Hudson tubes.

Here, accompanied by his escort of reporters and photographers, he took the train to the Erie station, where he buried himself in one of the train, refusing to talk to any one. At Rutherford he hired a carriage and rode to his home, at No. 292 Carmita avenue. Here he consented to pose before a battery of cameras while a flashlight picture was taken of him. A photographer who missed the posing forced his way after Gibson as he retreated toward the house and was making preparations there to take a "shot" at him when Gibson turned on him in great rage and approached him menacingly.

"Get off my lawn," he shouted, "or I'll beat your brains out."

Gibson waited until the photographer moved and then he disappeared into his house.

### Sure Caller Was Gibson.

There was said to be not the slightest doubt that the man who approached Mrs. Veronica Menschik, the widow of Janitress, at No. 417 East 147th street, in July, telling her that she had inherited money and asking her to sign papers to acquire it, was Gibson. Mrs. Menschik's daughter, Anna Menschik, who acted as a buffer between the strange caller and her excited mother, gave an accurate description of the man to a Tribune reporter last night. She said that he wore a blue suit, a rough gray scratch hat and eyeglasses fastened to his right ear by a gold chain. His hair was a faded brown, his face was sharp and he had a pointed nose, she said.

"He had the strangest look about the eyes I've seen in many a day," Miss Menschik said. "And his voice was so low and cunning and seductive."

Miss Menschik was pretty sure last night about the time that the supposed Gibson called at her house. She said it was St. Ann's day, and that was July 26. He rang the bell, and her aged uncle let him in to the kitchen, where he stood backed up against the sink near the door, hat in hand, inquiring for Mrs. Menschik. Not knowing English well, Mrs. Menschik misunderstood him when he began to tell her about a will which she would have to sign to get money from dead relatives in Vienna, and thought he was trying to collect a bill, whereupon she got excited.

Miss Menschik took a hand in the conversation. They were so sure that there was no money coming to them that they finally compelled the man to leave in a huff.

Another corroboration of Gibson's hunt for a Petronella Menschik comes from Mrs. Alois Menschik, of No. 123 Wadsworth avenue. Pinkerton detectives learned a few days ago that she had been approached by a man who tried to assure her that she was the beneficiary of a substantial estate left her by one of her relatives recently deceased. The Pinkertons say that Mrs. Menschik furnished them with a description of her caller that tallies with Gibson's description.

James F. Houghton, Coroner of Hudson County, N. J., yesterday had a jury on hand to view the body of Mrs. Szabo in Hughes' morgue. The jury was gathered by Thomas Goldner, a constable connected with the office of Sheriff Wedin, the foreman being Eber Groff.

The inquest was set for Wednesday, September 18, at 10 a. m. At that time the full result of the autopsy will be laid before the Coroner's court. Before the autopsy was begun a photograph was made for the use of the officials conducting the investigation.

### Awaits Findings of the Autopsy.

District Attorney Rogers of Orange County said early last night over the long distance telephone that he had heard of the developments in the case, but that as yet he had received no official notification of what had happened. He said he was expecting Sheriff DeGraw any minute, and as soon as he had seen the affidavits and heard exactly what the findings of the autopsy were, if the facts warranted it, he would at once go before the proper judicial authority and ask for a warrant.

Middletown, N. Y., Sept. 10.—District Attorney Thomas C. Rogers has received word that there have been unexpected developments in the case of Rosa Menschik Szabo, who was drowned in Greenwood Lake on July 16. The District Attorney expects a visitor to-night from District Attorney Whitman's office who will place before him evidence in connection with the woman's death. District Attorney Whitman is to-night that he had received no word as to the results of the autopsy on the body of Mrs. Szabo, but expects that agents of District Attorney Whitman's office would bring him the full story. If there is sufficient evidence upon which to base a warrant of arrest the District Attorney will instruct the Justice of the peace at Greenwood Lake to issue it.

### FOLLOWED HER TO EUROPE

Rich Mexican Rejoices at Losing Daughter's Lover There.

Carmalita! It is inconceivable that a story dealing with members of the Spanish race should start with any other word, and this is no exception to the rule. Carmalita and likewise Ay de mi! The first expression indicates the mood of Rafael Limon, wealthy Mexican planter, while the second gives a slight hint of the pain which tears the breast of his daughter, the pretty, dark-eyed Rosaura. They were both uttered many times as the Spanish steamer Montserrat came in from Barcelona yesterday.

The thought which stirred the haughty Don to anger was that of the young and gallant son of a Mexican merchant, Jaime Carrova by name, who seemed to leap out of the ground in every city of the known world which he visited. A year ago Don Rafael left Mexico with his daughter to take her away from the attentions of this Jaime, who suited him not at all as a son-in-law. He went to Havana, and within three days, there before him stood the youngster, bowing and smiling in his most romantic style.

Don Rafael decided that the only thing to be done was to put the ocean between them. Whisking his daughter aboard ship, he set sail for Barcelona. Within the week Señor Carrova appeared again. It was too much. The father started a rapid race through the European cities, finally ending in each place Don Jaime bobbed up like the proverbial phoenix.

Señor Limon breathed a sigh of relief when he did not see the young fellow on the pier yesterday, and his daughter breathed a sigh of sorrow. But the old man isn't going to take any chances. He leaves New York for Mexico to-day.

### AUTO KILLS E. FLAGG EMPLOYEE.

On his way home to celebrate his twenty-ninth wedding anniversary Charles Jones, caretaker for Ernest Flagg, architect, was run over and instantly killed by an automobile truck at Fifth avenue and 48th street early yesterday morning. Jones, who was sixty years old, had been acting as night watchman at a new building at No. 601 Fifth avenue. He did not see the truck, nor did the driver see him. Mrs. Jones told the police Mr. Flagg had agreed to let them have the proposed celebration at his home, where they had been caretakers seven years.

## BLANCHE BATES' FIANCE INDICTED IN DENVER

Police Commissioner Charged with Not Enforcing Law Against Disorderly Houses.

### 100 OTHERS ON THE LIST

In the Long Roster Are Persons Prominent in Business and Society Who Own Property in Restricted District.

(By Telegraph to The Tribune.)

Denver, Sept. 10.—George Creel, magazine writer, newspaper man, Police Commissioner of Denver and fiancé of Blanche Bates, the actress, was indicted here to-day with others for failure to enforce the law requiring the closing of disorderly houses.

Creel became Denver's Police Commissioner three months ago under a reform administration. The charges filed by the grand jury arise out of an alleged violation of his oath of office. Indicted with Creel were Mayor Henry J. Arnold, the Chief of Police, Felix O'Neil, A. A. Blakeley, a member of the Fire and Police Board; ex-Mayor Robert W. Speer, former Chief of Police; Hamilton Armstrong, William T. Davoren and Earl Hewitt, former members of the Fire and Police Board; and Stephen Knight, Mrs. M. W. Jones, D. E. Phillips, John W. Gillespie and P. V. Carlin, who are members of the school board. The International Trust Company, one of the largest in the West, H. M. Blackmar, its president; Theodore G. Smith, vice-president; F. G. Moffat, second vice-president; H. H. Books, secretary, and P. E. Cleland, treasurer, and the Mountain States Telephone and Telegraph Company and E. B. Field, president, and E. B. Field, Jr., vice-president and general manager, and Horace W. Bennett and Julius A. Myers, millionaire real estate operators, were those against whom indictments were directed.

Save the bills directed against the members of the School Board, the Mountain States Telephone and Telegraph Company and its officers, all of the bills were founded upon conditions in the segregated district.

### Jury Probed Graft Charges.

The special grand jury which was called by District Judge Shattuck to investigate wholesale charges of graft and corruption preferred against some of the most prominent local business men and politicians has been in session since August 2. Conditions in the restricted district have been the subject of special inquiry. According to the indictment filed against Creel, the new commissioner was remiss in failing to close immediately the illegal houses, some of which have been in existence for almost twenty years. Formal demand, according to the testimony before the jury for such action, had been made on Creel, but had been refused. A determination, based on conditions in the "red light" district, that the individual women should not be made to suffer for conditions which had been permitted to exist for over a decade, was the reason which Creel assigned for his action.

### In an Interview to-night, Creel said:

The grand jury was directed primarily toward diverting public attention from the public service corporation, which had been the subject of investigation for years. Its organization was entirely a political move on the part of the police and chiefs, whom the administration with which I associated displaced.

For years these machinists used the waters of the Tenderloin for their political ends, but now that they are thrust from office, they seek to make political capital from the fact that I decline to persecute them. Since I took up the duties of police commissioner, a constant policy of repression has been pursued. The sale of liquor in disorderly houses after 12 o'clock at night and on Sunday has been forbidden, and the order has been enforced. In the future, I intend to draw the lines more tightly, which the ultimate abolition of the segregated district in view. But I refuse now, and I shall refuse, to indict me for the result of social and economic conditions.

Not only would such a course fail to abolish prostitution, but apart from making conditions worse than they are at present, it would work a totally unnecessary hardship upon women whose wickedness is not so largely innate as it is the result of social and economic conditions.

The grand jury has returned indictments against more than one hundred persons, besides the corporations named in the indictments returned this morning.

The names of persons indicted have been withheld by Judge Shattuck in all cases, except where the persons named are of such standing in the community that they are not likely to attempt to escape the serving of the capias. The bonds in each case were fixed at \$1,000. Many of the indictments are against persons of high business and social standing, who own property in the restricted district. The capias will be issued to-morrow afternoon and placed in the hands of Sheriff Sullivan for service. He will send deputies out at once to bring in the persons against whom the capias are issued, when they will either have to furnish bonds or be locked up in the county jail.

### AVIATION PUPIL DIES

Struck by Aeroplane Which Had Volplaned at Mineola.

George Monnord, of New York, a pupil of the Moisant aviation school, was so badly injured at the aviation field at Mineola, Long Island, yesterday afternoon when he got in the path of an aeroplane which had just volplaned, that he died last night in the Nassau Hospital.

Monnord, who had been a pupil at the aviation school for only a short time, was watching a flight by Eustace Salinas, a lieutenant of the Mexican army. Salinas had made his landing close to the hangars, and it looked as if he would crash into them. Monnord and several other pupils ran out to check the speed of the fast moving aeroplane, but when it approached they saw that it would be dangerous to do so, and all dropped to the ground to allow the wings to pass over them. Monnord was hit by part of the running gear and the machine passed directly over his body. He was unconscious when picked up.

The Mexican succeeded in turning his aeroplane and avoiding a collision with the hangars.

### COMMENDED FOR HEROISM.

Newport News, Va., Sept. 10.—At general muster to-day on the battleship Florida a special order and a personal letter from Secretary Meyer were read commending for bravery Master-at-Arms F. Fencel, Coxswain C. W. Elches and Seamen E. P. M. Davids and T. Swords for diving at sea in a dark fog and saving the life of Seaman G. W. Dearwester, who leaped overboard while demoralized.

## WHITMAN SAYS SEEK DELAY Becker Counsel Ask Commis-

sion—May Try Habeas Corpus.

District Attorney Whitman was served yesterday with an order to show cause why a commission should not be appointed to go to Hot Springs, Ark., to take testimony there of three witnesses alleged to have stated that Schupp told them he would exculpate Becker.

The order, obtained by John F. McIntyre, chief of Becker's counsel, will be argued this morning before Justice Bischoff, in Special Term of the Supreme Court. The District Attorney will oppose the order, but if it should be granted he will assign one of his assistants to accompany the commission and cross-examine the witnesses.

A stay of proceedings in the Becker trial, applied for as part of the move to have the commission appointed, will gain the particular opposition of the District Attorney. Delay by means of such a stay of proceedings, Mr. Whitman believes, is the real reason for the application, and he is determined to fight any delay in the Becker trial.

The proposed move of the Becker defense, to make application for a change of venue, was apparently abandoned yesterday, after it became known that Mr. Whitman would apply to Governor Dix for an extraordinary term of the Supreme Court in whatever county they had the case transferred to. Such a transfer, followed by a special designation by the Governor of Justice Goff, would tend to expedite rather than retard the case, it is believed, because the job of selecting a jury would almost surely take less time upstate than in New York County.

One other possible method of delay was mentioned yesterday, and the District Attorney would not be surprised to see Becker's lawyers adopt it. That would be to sue out a writ of habeas corpus for Becker, on the ground that his indictment was illegal because of the grand jury testimony forced from John W. Hart, Becker's personal counsel.

Such a move would be almost sure to delay the trial, taking into account the appeal to the higher courts, for two or three months, even though it was unsuccessful all the way.

The District Attorney served subpoenas yesterday on all the police inspectors who command Manhattan inspection districts and on George S. Dougherty, Second Deputy Commissioner. Inspector Edward G. Hughes, who commands the Detective Bureau at Police Headquarters, was served with a similar subpoena on Monday. These subpoenas call for the appearance of the police inspectors as witnesses at the trial of Lieutenant Becker for the murder of Herman Rosenthal.

### BECKER LAWYER EVASIVE

Gives No Direct Answer on Change of Venue Plans.

Discussing the report that the defense in the case of Lieutenant Becker had applied before the Special Term of the Supreme Court for a change of venue to Broome, Cortlandt or Chenango county, John W. Hart, one of the Lieutenant's lawyers, said yesterday: "If that was our intention, it is now rather late to make the application, isn't it? If that had been our intention, we should have done so some time ago, don't you think so?" That was all the lawyer would say.

Yesterday The Tribune printed the information that the District Attorney had heard that such was the intention of the lawyers defending Becker. The application is said to call for a stay of proceedings until the question is argued. It was also pointed out that if such a petition were granted and the case carried into the courts of one of those counties the trial would be delayed until some time in December, there being but two regular terms of the Supreme Court in a year—May and December.

### TO DISPOSSESS "BRIDGIE"

Police Aid Realty Company to Get Evidence, Lawyer Says.

Rond & Babson, counsel for the State Realty Company, obtained a warrant of dispossession yesterday in the 9th District Municipal Court against Louis Brown, the tenant in whose name "Bridgie" Weber's gambling house, at Sixth avenue and 43d street, was rented. The realty company, owner of the property, has taken steps for the immediate service of the warrant.

W. A. Babson, of the law firm, who conducted the case for his client, said that for the first time in his experience the police had actually prepared evidence against the tenant in such a case for production in court. It had frequently happened, he said, that clients of his had received from the police captain in their district notice to dispossess a tenant under penalty of criminal procedure if they neglected to do so. In such cases the police were called upon to produce in court the evidence they had obtained against the tenant, but had never done so in a single case of the kind he had handled until the present one.

### DIX FAVORS STATE FARM SITE.

Albany, Sept. 10.—Governor Dix to-day approved the selection of a site in Dutchess County for the proposed state industrial farm colony, which was authorized by the Legislature of 1911. The land is about twenty miles east of Poughkeepsie and not far from the Windgate state prison site.

## WOLGAST CAN'T FIGHT M'FARLAND IN NEW YORK

Dix Directs Sheriff Harburger to Prevent Proposed Bout at Madison Square Garden.

### WOULD BE A DISGRACE

Declares Law Establishing Athletic Commission Does Not Legalize Prize Fighting—Asks Whitman to Act.

Albany, Sept. 10.—Governor Dix to-night took steps to prevent the proposed ten-round bout between "Ad" Wolgast, the lightweight champion, and "Packer" McFarland, of Chicago, at Madison Square Garden, New York, the latter part of the month.

In a letter to Julius Harburger, Sheriff of New York County, the Governor says that complaints have been filed with him to the effect that this bout "is being arranged under such circumstances as will virtually amount to a prize